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PRESENTATION OF THE REPORT

“LANDSCAPE AND ADVERTISING”

Council of Europe
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Summary

Preamble of the European Landscape Convention states:

“The member States of the Council of Europe signatory hereto,

...

Noting that **the landscape** has an important public interest role in the cultural, ecological, environmental and social fields, and **constitutes a resource favourable to economic activity** and whose protection, management and planning can **contribute to job creation**;

Aware that the landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage, contributing to **human well-being** and consolidation of the European identity;

Acknowledging that the landscape is an important part of the **quality of life for people everywhere**: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas;

Noting that developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and **recreation** and, at a more general level, changes in the world economy are in many cases accelerating the transformation of landscapes;

Wishing to respond to the **public’s wish to enjoy high quality landscapes** and to play an active part in the development of landscapes;”

Article 5 of the European Landscape Convention states:

“Each Party undertakes:

... *d.* to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape;”

The Conference is invited to:

- examine the report prepared in the framework of the Council of Europe Work Programme of the European Landscape Convention and in particular its conclusions, and to decide on possible follow-up to be given.

Landscape and advertising

Mr Jean-Philippe STREBLER

Expert Consultant for the Council of Europe

Executive summary

This report is intended to put forward proposals for the presence of billboard advertising to be accommodated and regulated in landscape protection and enhancement policies, and to make recommendations to the Council of Europe member States on the framing of policies to regulate the presence of advertising devices for the purposes of implementing the European Landscape Convention.

The quintessence of a medium that exploits travel, in a society where there are more and more individual or collective journeys, outdoor advertising – whose whole logic is to be visible to the public at large – assumes an ever more important place in the visible landscape; this presence is accentuated by use of technologies henceforth allowing numerous physical limits to be pushed back.

The report presents the evolution of forms of advertising expression and illustrates some legislative approaches in a few European states which have regulated the advertising presence in the landscape on the ground of environmental concerns.

The implementation of the European Landscape Convention could prompt the signatory states to envisage adopting a comprehensive approach to outdoor advertising which combines the framing of official protection policies (relying on landscape inventories to identify vulnerable landscapes and determine the measures for limiting the adverse effects that outdoor advertising could have on it), of regulations to restrict the advertising presence (particularly on town approaches, having regard to the new outdoor advertising media, allowing the local adaptation of national rules as appropriate, and ensuring the participation of the public and the players concerned), and of preventive or punitive methods to enforce genuine compliance with the safeguards and regulations adopted.

Introduction

This study has been carried out in order to:

- formulate proposals for implementing, in respect of outdoor advertising, the provisions of Article 5 of the European Landscape Convention on integrating landscape into regional and town planning or environmental policies;
- draw up, with the Council of Europe member States in mind, recommendations putting forward proposals on the framing of official policies that help meet the objectives of landscape quality and help ensure protection and management of landscapes so that the presence of billboard advertising in them is regulated under the European Landscape Convention.

General measures prescribed by the European Landscape Convention (Article 5):

Each Party undertakes:

“a. to recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
b. to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures set out in Article 6;
c. to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies [...];
d. to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape”.

Specific measures prescribed by the European Landscape Convention (Article 6):

“[...] With the active participation of the interested parties [...] and with a view to improving knowledge of its landscapes, each Party undertakes:
to identify its own landscapes throughout its territory; to analyse their characteristics and the forces and pressures transforming them; to take note of changes;
to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.
Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed [...].
To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape”.

This report focuses on the diversity of the forms of advertising expressions in landscapes which are to be taken into account in the process of identifying and assessing landscapes. The visual impact of outdoor advertising in landscapes, which certain national legislations have already sought to contain, justifies the implementation of official policies aimed at sustaining or enhancing the goals of landscape quality through means of action for the protection and management of landscapes.

1. The advertising presence in the landscape

After recapitulating the principal concepts and definitions regarding landscape, according to their expression in the European Landscape Convention, as well as those that relate to billboard advertising, this first part discusses the visual impact of outdoor advertising in landscape by way of the various forms that billboard advertising may take.

Concepts and definitions relating to landscape

The signatories to the European Landscape Convention agreed on a number of determinations and definitions set out in the preamble and in Article 1 of the Convention, and it is plainly important to recapitulate them. In particular:

Preamble to the European Landscape Convention:

“... the landscape has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation;
... the landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas;
... developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and recreation and, at a more general level, changes in the world economy are in many cases accelerating the transformation of landscapes;
... the landscape is a key element of individual and social well-being and that its protection, management and planning entail rights and responsibilities for everyone; [...]”

Definitions of the European Landscape Convention (Article 1):

*“**Landscape:** area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;*
***Landscape policy:** expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes;*
***Landscape quality objective:** for a specific landscape, formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings;*
***Landscape protection:** actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity;*
***Landscape management:** action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes;”*

Concepts and definitions concerning billboard advertising

Advertising and communication

Advertising constitutes a form of communication seeking to make known a good, a product, a service, a place or an event, perhaps a piece of information or an idea, usually in order to gain the acceptance of the recipient of the message (consumer, user, voter...) and, as the case may be, incite him to purchase the good, product or service, or to adopt a desired behaviour pattern (conserving energy, road safety, election of a public figure...). From the economic standpoint, advertising can be defined, on the one hand, as the act of promoting the sale of a product by exerting an influence, a psychological action on the audience in order to create needs and desires in it, and on the other hand as all the means (media) used to promote a product.

Communication for advertising purposes is usually disseminated via mass media, among which the five favourite traditional media are press, television, radio, cinema and bill-posting; it now takes other forms such as promotional mail and leaflets, and advertising on the internet or on mobile telephones.

Advertising media



press



television



Radio



cinema



billboards



leaflets



Internet



telephone

The market share of outdoor advertising may vary considerably from one State to another: while billboard advertising averages between 5 and 7% of promotional communication market share in the major media in western economies¹, the market share of outdoor advertising may be distinctly higher in some countries (10 to 13%, notably in France, Belgium², Switzerland, Russia) whereas it accounts for between 4 and 7% in other countries (Germany, Spain, Italy, Netherlands, United Kingdom etc.). These substantial variations reflect the differing organisational patterns and traditions of the advertising market and, to an extent, are also the result of national legislation governing outdoor advertising, which may be considerably different from one European country to another³.

¹ In 2012, worldwide investment in the area of outdoor advertising represented 32.3 billion dollars, ie 6.6% of worldwide advertising investment, which totalled 491.9 billion dollars (source: *Zenith Optimedia*, December 2012).

² According to a recent study carried out for the Parliament of the French-speaking Community of Belgium, Wallonia-Brussels, Belgium no longer falls into this category, with outdoor advertising now representing only 7% of advertising investment in 2010, compared with 9% in 2000 (source: *État des lieux des médias d'information en Belgique francophone*, Prof. F. ANTOINE and F. Heinderyckx, March 2011).

³ Sources: Certu, March 1995; PROCOM, June 2000; Union des Annonceurs, September 2013.

Billboard and outdoor advertising

It must be stressed that, compared to the media whose audience is dispersing (as television channels and radio stations multiply or newspapers or cinemas fall out of favour) or those used to accurately target potential consumers (mailshots, e-mails, text messages etc.), the market share of billboard advertising is fairly "stable". This medium targets people on the move⁴, in a society that encourages movement, where well-placed advertising can reach all "passers-by" indiscriminately. More often than not, these passers-by do not have the option of avoiding messages conveyed on billboards; they might be able to switch television channels or turn off their television or radio during commercial breaks, not buy newspapers, flick past pages of press advertising or throw away advertising received in the post, but they cannot really avoid seeing the billboards along their route.

Although this kind of advertising is often described as billboard advertising, it has taken on highly diverse forms of expression, which might involve staging a scene against or around the back-drop of the poster hoarding (which continues to display posters) for example or new outside communication media made possible by modern digital technologies: very large-format digital screens (ranging from a few square metres to several dozen square metres), window stickers on the front of buildings, temporary or permanent building wraps, night-time light projections etc. Traditional billboards (in the form of paper posters mounted onto fixed or mobile hoardings) will very likely decline or even gradually disappear as they are superseded by outside advertising best exploiting modern-day technological possibilities (and trends in their cost)⁵.

Evolution of outdoor advertising media and technologies



poster hoarding



digital screen



building wrap



window stickers



projection

Advertising and corporate signage

Businesses may also need or wish to advertise their presence with various visual messages, indicating their business activity and also possibly their products or services⁶. These messages may be described as "*corporate signage*".

⁴ In west European States, while outdoor advertising cannot really be specifically targeted, it indiscriminately reaches a broad target audience overall, mostly made up of working males under 50 years of age.

⁵ Market studies and forecasts for advertising over the last several years have emphasised that outdoor advertising has embarked upon a major switch to digital technologies, enabling this sector to maintain or even expand its market share in comparison to other advertising media.

⁶ Depending on national legislations, messages may be subject to different rules according to whether they relate strictly to the business or its products (this is the case in Switzerland or Belgium for example) or be subject to the same overall legal regime irrespective of whether it is the business or the products that are advertised (as in French law).

Different forms of corporate signage



traditional



neon lights



town centre



shopping centre



retail park

While it may be said that this form of visual communication constitutes *advertising* for the business using it (promoting itself and possibly its products), it may also be considered that more scope be allowed for self-advertising (particularly by businesses) at a corporate address than simply posting advertising messages, at that location, without any reference to the business based there.

The advertising presence in the landscape

Given that the very purpose of advertising and corporate signage is to be seen (preferably by as many people as possible), there are a number of factors resulting in advertising and corporate signage having a stronger presence and landscapes, be it in – chiefly – urban or natural settings:

- in a consumer society companies vie with one another to draw attention to their products and seek to publicise themselves by any means possible;
- in a society where people move around more than ever before (mainly as a result of urban sprawl and the dispersal and specialisation of urban functions etc.), it is very easy indeed to place messages in full view of the “captive” passing audience using individual or public forms of transport;
- in a media society, outdoor advertising is one of the few communication vehicles capable of reaching a wide target audience who cannot avoid the messages bombarding its vision.

Billboards seek to outdo one another ...



in urban landscapes...



... and in natural landscapes

Despite the dangers of advertising overkill, it would appear that, in some cases, some outdoor advertising professionals simply cannot resist lining up alongside their competitors wherever they are on display in what ultimately becomes a dense forest of advertising messages, blinding in their diversity and therefore rendered largely ineffective.

Within the landscape, advertising messages have been placed on ever more varied or even bizarre supports over the years:

– historically, outdoor advertising essentially consisted of messages painted or posters stuck onto **building facades**; there is now a great diversity of formats, ranging from building wraps measuring several hundred square metres down to mini-posters aimed at pedestrians; outdoor advertising used to be an add-on feature, often in reduced formats aimed at pedestrians, fitting neatly onto existing built surfaces within the urban landscape;

Outdoor advertising on buildings



posters



painted walls



large format



small billboards



mini-posters

– little by little, outdoor advertising has broken free of these traditional supports, graduating to **specific supports** serving no other purpose than to disseminate advertising messages; accordingly, compared with the placing of advertising on buildings, fences or urban furniture for example, these supports are new elements, completely new additions to the landscape, for the sole purpose of advertising;

Outdoor advertising planted in the ground or installed directly on the ground



individual support



multiple supports



*promotional
signposting*



small-format



poster stands

– in the mid-1960s, a French company devised an exchange-based business model whereby local authorities could have the necessary **urban furniture** serving the community (in particular bus shelters) supplied and maintained free of charge in exchange for allowing them to be used (secondarily) for advertising; as time went by, all kinds of urban furniture were seen as opportunities for promotional advertising: lamp-posts, rubbish bins, benches, phone boxes, public conveniences etc., to the point where the use of urban furniture as advertising space appears to take precedence over all other community uses.

Outdoor advertising on urban furniture



bus shelter



Morris column



mast



kiosk



information

boards



lamp-post



public convenience



bin



phone box



Bench

– vehicles are also sometimes used as supports for outdoor advertising: these may be vehicles specifically for advertising (vans bearing posters or now even mobile display screens, bikes, “segways” etc.) or vehicles used secondarily for advertising (public transport, private cars hired out for advertising). Where advertising is carried on vehicles, the advertising presence in landscapes is, in principle, mobile, even though some vehicles used for advertising are left parked in strategic places to leave their messages continuously on display to passing pedestrians or drivers;

Outdoor advertising on vehicles



tram



bus



bus



van



Van



car



car



bike



bike



"segway"

– **building site installations** also provide space, temporarily, for advertising messages (which may sometimes fund part of the building works); traditionally, this includes posters on site fencing (which may be paid for by the advertiser); more recently, advertising agencies have persuaded the owners of sites requiring scaffolding that this can serve as a support for advertising on wraps measuring several hundred square metres, with part of the proceeds helping to cover building work; while it may be argued that site fencing and scaffolding always cover up the building sites concerned, it may also be considered that, even if they can help to finance works, there should not be such a substantial expanse of advertising in the landscape;

Outdoor advertising on building site installations (fencing, scaffolding)



fencing



fencing



fencing



scaffolding



scaffolding

– **digital screen** technology has featured in outdoor advertising in recent years: initially confined to formats measuring less than 2m² in enclosed areas (shopping malls, airports etc.), digital screens are rapidly spreading across landscapes, be it on building facades, specific supports, urban furniture or vehicles; this form of advertising seems set to expand rapidly as dynamic, permanently visible messages are more eye-catching (and also therefore more appealing to the advertisers themselves) and the advertising agencies are quick to point out the “eco-friendliness” of these media (lower power consumption, paper-saving, transport-saving etc.); billboard professionals see these new media as a key driving force in the development of the outdoor advertising market over the coming years;

Digital outdoor advertising (LED screens)



bus shelter



building



facade



giant screen



Vehicle

– **very large-format** advertising (several hundred square metres) is also booming⁷, thanks to progress in printing and manufacturing technologies and relative ease of installation;

Outdoor advertising on building wraps (permanent or temporary)



building



building



special hoarding



scaffolding



road infrastructure

– the creativity of advertising agencies knows no bounds in terms of media for carrying promotional messages which take up space in the landscape.

“Original” outdoor advertising media



object



lamp-post



ground painting



road gantry



hot-air balloon

⁷ According to the Outdoor Advertising Association of America, it is size that is of the utmost importance for effective advertising.

2. The challenges of public intervention to follow up the European Landscape Convention

Through its multiple forms, outdoor advertising is increasingly present in landscapes. While the European Union approaches advertising from an essentially economic viewpoint, certain national legislations have taken steps, through various means, to regulate billboard advertising on environmental grounds, while taking certain limitations to regulatory intervention into account.

2.1 Landscape challenges

According to billboard professionals, outdoor advertising cannot content itself with merely being there: it must catch the eye. The French poster designer Raymond Savignac believed that *“like a boxer, it needs a punch, it needs to grab passers-by by the lapels and drag them over. Its flashy, provocative appearance and its garish make-up are so outrageous as to take it far beyond the limits of poor taste and sometimes makes it stylish”*⁸. Accordingly, outdoor advertising is by nature and by principle designed to be as conspicuous as possible in the landscape; there is no question of it blending into the landscape.

The diversity of outdoor advertising media described above opens up promotional possibilities on different scales of landscape:

- within a large landscape formed by municipalities, valleys, drainage basins etc.;
- in areas perceived as part of the urban landscape (on the outskirts of town, in market town centres etc.);
- within a landscape sequence, along a linear route.

On these differing scales, outdoor advertising is one of the most significant and fastest forms of anthropisation of landscapes⁹.

As its presence grows ever stronger, elements are continually added to landscapes. Beyond a certain threshold (which may be qualitative as well as quantitative), it may be regarded as a type of nuisance or visual pollution which, according to the targeted obligations of *“protection, management and planning of landscapes”* expressed in the European Landscape Convention, are supposed to be limited through national policy measures.

Outdoor advertising, in its myriad forms, formats and supports, is increasingly present in the landscape. So even though advertising in general and outdoor advertising in particular are apt to contribute to consumer information in an economic context of free exchange – and, in this connection, the landscape where outdoor advertising is placed must also *“constitute a resource favourable to economic activity”*¹⁰ – the installation of supports for outside advertising is often likely to *“accelerate the transformation of landscapes”*. The presence of outdoor advertising is often a contributing factor

⁸ Quoted by P. Biombi Mouandjo LEWIS and P. Mdianda in *« Théorie et pratique de la communication »*, L’Harmattan, Dec. 2010.

⁹ Transformation of spaces, landscapes or natural environments through human action.

¹⁰ Preamble to the European Landscape Convention.

to the denaturing of the landscape and the alteration of the living environment and a deterioration of its quality.

The systematic use of lighting for outdoor advertising (whether projected light, backlighting or digital images on screens or in projections) is a strong factor in the impact of advertising on landscapes: the resulting light and especially movement (moving digital images, flashing) actively draw people's vision within landscapes, grabbing their attention in a quasi-intrusive manner.

As far as the economic (largely commercial) stakes of communication are concerned, it should be ensured that the pleasantness of the landscape is preserved; the presence of advertising could certainly be more or less dispensed with altogether in this respect but it should not be systematically seen as a nuisance or visual pollution: in certain situations, some advertising installations may also help to enhance the perception of landscapes.

Installing hoardings for advertising or corporate signage is considerably faster than developing an urban area or putting up buildings and, in a few days or even hours, can engender a major transformation of the landscape. While it is true that what is quickly installed can be taken down just as rapidly, it seems a far more effective approach, on the one hand, to preventively define a legal framework for displaying advertising within the landscape (with a view to limiting criticism over arbitrary subjective decisions taken on a case-by-case basis) and, on the other hand, to envisage forms of prior checks by public authorities (which, among other things, could avoid unnecessary investment in non-compliant installations which would have to be taken down).

It also has to be borne in mind that, in a time of **economic crisis**, any decline in turnover from outdoor advertising (as advertisers spend less) does not necessarily equate to a reduction in the number of hoardings exploited (the available space may simply be offered at lower rates). In a tight economic situation some hoardings may also be abandoned, remaining as a real "blot on the landscape"; in this respect, the landscape also serves as a reflection of how an area functions and, in cases like this, sends out a negative message.

The **outskirts of conurbations** are particularly sensitive sectors in terms of landscape. The problem of town and city access points losing their character, owing to the denaturing of these urban fringes serving as areas of transition between unbuilt open natural landscapes and urbanised landscapes that have been rendered artificial is a major landscape challenge. Sometimes deteriorated by poorly controlled urbanisation (particularly for commercial purposes), these sectors are greatly prized by outdoor advertising, either for promoting activities or services on offer in the urban district or for promoting businesses established along the access routes to the town.



Abandoned hoarding

Outdoor advertising on the outskirts of conurbations (town access points)



retail park



promotional signage

2.2 Legal approach on the European Union level

The European Union considers advertising as an economic tool, influencing the behaviour of hundreds of millions of consumers living and working in the Union. Accordingly, advertising has a key role of information contributing to the smooth running of the internal market, which, together with the free movement of goods, services, capital and people, has increased the variety of products and services on offer.

To date, the European Union has essentially approached advertising from the consumer protection angle (misleading advertising and comparative advertising¹¹, television advertising¹²): the impact of outdoor advertising on landscapes has not prompted any community intervention so far.

2.3 National legislations

Outdoor advertising is more or less strictly regulated in the legislation of a number of European States. Below are some examples of the differing approach taken by national legislations to limiting the presence of advertising in the landscape:

Germany: In the absence of federal legislation, outdoor advertising falls essentially within the remit of the Building code for which the individual *Länder* define the implementation procedures. Installations require (municipal) planning permission and are subject to local taxation. They must fit in with the urban landscape of town centres; in residential areas, only building housing businesses may carry advertising (with exceptions made for special events). Advertising is prohibited in natural or sparsely populated areas. The regulations seem to have a chilling effect: outdoor advertising is rare and located in areas of little landscape interest; on town access roads there are boards listing the

¹¹ Directive 2006/114/EC of the European Parliament and the Council of 12 December 2006 concerning misleading and comparative advertising (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:376:0021:0027:EN:PDF>).

¹² Directive 2007/65/EC of the European Parliament and the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0027:0045:EN:PDF>).

Directive 2010/13/EC of the European Parliament and the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:095:0001:0024:EN:PDF>).

business establishments present; corporate signage is often decorative and information-oriented rather than promotional.

Belgium: The rules governing advertising and corporate signage are incorporated into the regions' town planning regulations. The regional rules applicable to the Brussels region for example are geared to the harmonious integration of advertising into the urban landscape (structures visible from the "outdoor" public area) while avoiding any visual nuisance, prohibiting support structures that are dangerous for road safety, guaranteeing the liveability of dwellings and regulating new forms of advertising (wraps and vinyl sheeting); advertising and corporate signage are, in principle, subject to prior planning permission, unless they benefit from the exemption granted for temporary or small-sized structures¹³.

France: Outdoor advertising is essentially governed by the Environment code, which was overhauled in 2010-2012¹⁴. It is prohibited in principle outside urban districts and in "environmentally sensitive" areas and must comply with various requirements (density, surface area, site etc); only certain forms of advertising (light projection, building wraps) require prior permission; in other cases the authorities are merely notified beforehand of plans to install other types of structure. The municipal or inter-municipal authorities may pass by-laws governing advertising with a view to limiting the options open under national regulations. Safety concerns may also constitute grounds for restricting the possibilities of roadside advertising. The national regulations are often considered to be complex and, apparently, are still not effectively applied.

Italy: National regulations and local rules coexist, depending on the areas concerned. The municipalities lay down the requirements for installing advertising, which is subject to prior permission. The Highway code restricts roadside advertising in non-residential areas but does not prohibit it: the restrictions apply in particular to structures that may present a danger for road users; the authorities responsible for managing roads (State, regions, municipalities) establish the rules that are applicable to advertising supports, which are prohibited only in protected areas and on the corresponding access roads.

United Kingdom: Outdoor advertising comes under the Town and country planning act (1990), regulations on the control of advertisements (2007) and the town planning boards and commissions of the local authorities responsible. Depending on the case, advertisements are either not subject to prior formalities or require prior notification or permission. The regulations are characterised by simplicity and pragmatism, preferring specific assessment on a case-by-case basis to prohibitions or general rules; however, the landscapes bordering town centres appear to enjoy little protection from advertising.

Switzerland: Outdoor advertising is regulated for road safety purposes (federal law and decree, canton regulations) and subject to prior authorisation. But the presence of advertising is considered not only in terms of the functioning of roads but also from the viewpoint that roads are a public area where the

¹³ *Regional planning regulations - title VI: Advertising and corporate signage* (decree of the Government of the Brussels-Capital region of 21 November 2006).

¹⁴ *Publicité extérieure, enseignes et préenseignes*: Report on outdoor advertising, corporate signage and promotional signposting by senator Ambroise Dupont, submitted on 9 June 2009 to Ms Chantal Jouanno (Secretary of State for ecology) and Mr Hubert FALCO (Secretary of State for spatial planning).

landscape dimension and the protection of sites must be taken into account. The legislative framework leaves only small room for manoeuvre, and the regulations tend to be complied with on the whole.

In some States (such as France, Italy or the United Kingdom) the dissuasive tax rates applied to outdoor advertising may help to preserve landscapes from an excessive advertising presence. It must be pointed out, however, that while the taxation of outdoor advertising may help to limit its presence in the landscape, it may also have the perverse effect, particularly in times of budgetary difficulties for public authorities, of holding those authorities back from possible action to ensure compliance with environmental regulations.

2.4 Restrictions on billboard advertising and public freedoms

A few aspects in favour of a “measured” public approach to outdoor advertising should nevertheless be taken into consideration:

– while public concerns (particularly in the area of public health, involving tobacco, alcohol etc., decency, defamation etc) have given grounds for restrictions on **freedom of expression**, that freedom must still be guaranteed, and the implementation of “landscape” regulations must not be used as a pretext by administrative authorities to control the content of the promotional messages disseminated; however, some associations claim that, as a corollary to freedom of expression, there should be “freedom of reception” as grounds for objecting to outdoor advertising, which is imposed on a target audience not having expressly consented to it.



This poster campaign drew strong criticism on religious grounds that had nothing to do with landscape concerns

– the presence of advertising or corporate signage, sometimes to the point of overflow, may in some cases constitute a “desired” **characteristic** of the contemporary urban landscape (the dazzling displays on Time Square, Piccadilly Circus or Nanjing street go down very well with tourists);

Advertising and corporate signage that typify certain urban landscapes



Manhattan



London



Shanghai

– the need to promote business activities in the place where they are carried out (**corporate signage**) may be regarded differently from the needs of promotional communication, where necessary by drawing a distinction between signs mentioning the business itself and signs carrying messages

relating to the products and services marketed; it does seem legitimate for a business to be able to at least indicate its existence and activity in the place where it is located, even though, for the sake of preserving and enhancing landscapes, legislation may heavily restrict its scope for promotional communication beyond the site where it is based.

3. Conclusions / Recommendations

Under the European Landscape Convention, the increasing prominence of outdoor advertising, with its different supports, formats and technologies, in natural or urban landscapes, gives grounds for envisaging the adoption of various measures by the signatory States.

Obviously, regulatory approaches geared to landscape considerations do not rule out **other concerns** from serving as grounds for legislative, regulatory or administrative action: road safety, protection of owners or consumers, taxation etc.

While a “grading system” for the protection and enhancement of landscapes is conceivable, it seems a good idea to place the onus on a **global approach** in which all landscapes merit protection where outdoor advertising is concerned, rather than an approach identifying only the areas to be protected and leaving the rest of the territory open to advertising that is more or less contained by legislation. A global approach of this kind could be achieved by combining public protection, regulation and control measures.

3.1 Public protection policies

The most sensitive or vulnerable areas from a landscape viewpoint should be afforded substantial safeguards from schemes to install advertising supports. This assessment of landscape sensitiveness or vulnerability should not only take account solely of land use (land in its natural state, farmland, woodland or urban district) but also superimpose the fundamental landscape (relief, hydrography, climate etc.) and perceived landscape (perspective lines, curves, ridge lines, eye-catching features, horizontality or verticality, density effect, co-visibility, view cones, visual fields etc). These safeguards could also cover *inter alia*:

- **natural areas, farmland and woodland:** the “natural” quality of these landscapes would *a priori* give grounds for prohibiting outdoor advertising and restricting the possibilities of installing corporate signage for the businesses located there;
- **remarkable urban ensembles:** the legislations of the different States generally incorporate identification of the geographical areas presenting an interest from a historical, cultural, aesthetic or landscape point of view; depending on the interest identified, it would be advisable that the presence of advertising in these places be prohibited or at least restricted and the installation of corporate signage be contained and controlled;
- **areas that are vulnerable from a landscape point of view** owing to their characteristics or location: visible from numerous points, located in a basin, on a hillside, at a height or on a ridge line etc.

The landscape inventories which the States parties to the European Landscape Convention have undertaken to compile should *inter alia* make it possible to identify vulnerable landscapes, define quality objectives with regard to the presence of advertising and then envisage, in the light of those

objectives, limiting the risks of potential damage to those landscapes from advertising or corporate signage.

3.2 Public regulation policies

Advertising should be permitted within built landscapes only under **strictly controlled conditions**, irrespectively of the landscapes' own urban or architectural quality, the idea being to curb “excessive advertising”, for example by limiting the surface area or even the number of supports and by laying down conditions for the use of supports for advertising (buildings, fencing, special supports, urban furniture, advertising vehicles etc.).

“Urban peripheries” require specific treatment, given the importance of these zones of transition between natural and urban areas for outdoor advertising along town access roads.

Modern media for outdoor advertising such as digital screens and large- or very large-format wraps should be taken into account as a matter of urgency in national (and local) regulations – if this is not already the case – in order to regulate their presence, which might otherwise become invasive very quickly and on a lasting basis in many landscapes.

Depending on the institutional system specific to each State, it would be useful if national regulations could be **adapted by local authorities** (provincial, regional, cantonal, municipal etc), to ensure the best possible fit of the rules applicable to advertising and corporate signage with the specific characteristics of local landscapes; these local authorities could then play a key role in analysing any applications for prior permission required.

Tying in procedures and regulations applicable to advertising and corporate signage with those governing **town planning** and construction would appear to make for a more coherent consideration of landscape concerns; some States (United Kingdom, Germany or Belgium in particular) have already opted for this global approach to urban landscapes and integrated the law governing outdoor advertising with town planning legislation.

In accordance with the principles laid down in the European Landscape Convention, the definition of regulations – whether national or local – must allow the effective **participation** of all the players concerned, be it the general public – as it is the public which, on the one hand, “benefits” from landscapes that should be preserved from excessive advertising and, on the other hand, is the target of promotional messages (the freedom to “receive” promotional messages may be juxtaposed with the freedom of expression that is so often emphasised) – or the professionals concerned – billboard companies or corporate sign-makers, advertisers or traders in particular –, local and regional public authorities, design studios and consultancies etc.

3.3 Measures aimed at controlling legislation

Even if “*ignorance of the law is no excuse*”, effective implementation of the principles of protection for the most sensitive areas and regulation of supports also means that prohibitions and regulations are checked too, preferably upstream within the framework of **prior permission** that many States have introduced (regardless of planning or building permission), more often than not with real effectiveness in environmental terms.

These prior checks must also be followed by checks on the lawfulness of the structures installed and allow for the initiation of **court or administrative procedures** to remove or make compliant any structures that have been improperly installed.

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